

## CHAPTER 7. HUMAN RESOURCES

**The Auxiliary is guided by the current equal opportunity policies of the Commandant of the Coast Guard. No person shall be subject to discrimination in the Auxiliary or its programs because of race, color, religion, sex, age, national origin, or disability.**

### A. Civil Rights.

#### 1. Responsibilities.

- a. The Commandant is responsible for providing overall leadership and policy direction to insure all policies and procedures contained in this chapter are in effect throughout the CG and Auxiliary.
- b. The Chief of the Office of Auxiliary (G-OCX) at CG Headquarters, is responsible for the CG equal opportunity program administration within the Auxiliary.
- c. The Assistant Commandant for Civil Rights (G-H), at CG Headquarters, is responsible for evaluating the Auxiliary's compliance with civil rights and equal opportunity principles and objectives. G-H is also responsible for establishing and maintaining effective liaison with CG and Auxiliary officials to ensure knowledge of and compliance with the intent and spirit of the CG's equal opportunity program. G-H will also assist in coordinating all investigations to resolve any complaints of discrimination in Auxiliary activities.
- d. District Commanders are responsible for carrying out the spirit and intent of the equal opportunity program. Auxiliary civil rights counselors are part of the district's civil rights program staff and will be used to administer the equal opportunity program to the district's Auxiliary members.

#### 2. Coast Guard Auxiliary Civil Rights Counselor (CGAUX/CRC).

- a. Each district or region's CGAUX/CRC is normally selected from any available past District Commodore (DCO) or other experienced Auxiliarists who served as a Division Captain (DCP) or higher. The CGAUX/CRC is a Director nomination, after DCO consultation, submitted to the District Commander for approval. Upon approval, the District Commander will designate the nominee, in writing, as the CGAUX/CRC for that district or region.

- b. The CGAUX/CRC has an unrestricted right to consult with the district military civil rights officer and staff for guidance and advice in the conduct of civil rights matters affecting Auxiliary members.
- c. Any training and/or funds required for CGAUX/CRC qualification, training and/or travel shall be provided by the District's military civil rights staff.
- d. Because the CGAUX/CRC position is a District Commander appointment, it will not be considered Auxiliary district staff, but will be considered a district civil rights staff member. The CGAUX/CRC has **no** requirement to report to the district board. There is no Auxiliary insignia associated with this appointment.

3. Procedures for Processing Complaints of Discrimination by Auxiliary Members.

- a. Auxiliary members who believe they have been victims of, or subjected to, discrimination or discriminatory treatment within the Auxiliary because of race, color, religion, sex, age, national origin, or disability have the right to file a complaint.
- b. All complaints of discrimination shall be filed informally with the member's Flotilla Commander (FC) or other higher elected Auxiliary official from the member's district or region. If the complaint is unresolved, it will be forwarded to a designated CGAUX/CRC for processing within the Auxiliary.
- c. If informal resolution is unsuccessful, the complaint may be formally filed with the CG District Civil Rights Officer. If the complaint is not resolved, it will be forwarded to the NACO via the Chief Director at Commandant (G-OCX).

4. Filing Complaints.

- a. Informal Complaint to Member's FC or any other higher elected Auxiliary Officer from the member's district or region.
  - (1) Upon receipt of the member's request, the FC (or other officer) shall attempt to resolve the complaint informally. Many problems can be resolved between the parties themselves, with the help of an outside arbitrator such as a FC or DCP. Any FC or higher elected Auxiliary member who receives an informal complaint concerning possible

discrimination should take steps considered prudent and necessary to promptly resolve the complaint. Guidance and advice for resolving complaints of discrimination may be sought from the district or regional CGAUX/CRC.

- (2) The member shall submit a written request to the FC or other higher elected Auxiliary member containing the member's full name, member number, date of incident, and a statement indicating the member wishes to file a complaint of discrimination in accordance with Chapter 7 of the Auxiliary Manual.
- (3) If a complaint can not be resolved informally within 15 days, the flotilla commander (or other officer) will arrange for the member to meet with the CGAUX/CRC.
- (4) The designated CGAUX/CRC is the key in all discrimination complaint procedures. All Auxiliary members have the unrestricted right to communicate informally and directly with the CGAUX/CRC instead of the FC if desired. Complaints not resolved at the local level may be referred to the CGAUX/CRC.
- (5) CGAUX/CRCs will consider complaints filed within 60 days of an alleged incident.
- (6) If, after review and informal discussions, the CGAUX/CRC believes the complaint does not concern discrimination based on race, color, religion, sex, age, national origin or disability, the CGAUX/CRC shall decline to consider it. In such cases, the CGAUX/CRC will advise the member of this determination, in writing. This written notification will include the reasons for not considering the complaint and will advise the member of the right to submit a formal complaint to the CG District Civil Rights Officer.
- (7) Any information obtained by the CGAUX/CRC during the informal resolution process is considered "privileged". Such information cannot be used in any investigation which may be conducted as a result of a subsequent formal complaint.
- (8) If unsuccessful after attempting informal resolution and counseling, the member may desire to file a formal complaint. If the CGAUX/CRC considers the complaint to have merit, the CGAUX/CRC may assist the member in

preparing a written complaint and proposed resolution. The member must sign and date this written complaint. Putting the complaint and proposed resolution in writing will assist all concerned in focusing on specific issues. The formal complaint will avoid irrelevant or extraneous matters not material to the complaint or relief sought.

- (9) The CGAUX/CRC shall advise the complainant's FC of the following items:
  - (a) A complaint has been filed and its nature.
  - (b) The complaint has apparent merit.
  - (c) A preliminary inquiry is being conducted.
  - (d) Date the complaint was received.
- (10) When an informal resolution of a complaint is successfully achieved, a complaint summary report shall be completed by the CGAUX/CRC. The member making the complaint will prepare and sign a written acceptance of informal resolution. The acceptance note will state: "I hereby certify, upon execution of the terms agreed herein, I consider my complaint resolved and hereby withdraw my complaint of (subject), dated \_\_\_\_." The CGAUX/CRC will attach it to the acceptance document. The report shall be forwarded to the Director who shall retain the report on file for three years.
- (11) If the complaint cannot be resolved informally within thirty (30) calendar days of CGAUX/CRC notification, the following actions will be taken: The CGAUX/CRC will provide the member a written statement documenting the counseling held and advising: (1) the complaint was not informally resolved within the 30 calendar days; or (2) the complaint can not be informally resolved at all. The member will also be advised of the right to submit a formal, written complaint to the CG District Civil Rights Officer. The CGAUX/CRC shall explain the procedures for submitting this formal complaint, following Chapter 5 of the Military Civil Rights Manual (COMDTINST M5350.11(series)).
- (12) If an informal agreement can be reached within a reasonable period beyond the 30 calendar days, an

extension can be made. Such an extension agreement must be made by both the CGAUX/CRC and the member, must be in writing, and must be made for a definite period of time. In the event an informal resolution is not achieved within the period of extension, the CGAUX/CRC and the member shall consider an informal resolution not possible.

(13) Upon either reaching an informal resolution or failure to reach an informal resolution of the complaint, the CGAUX/CRC shall notify the member's FC or appropriate elected Auxiliary officer, the CG District's Civil Rights Officer, and the appropriate Director of the details and results.

(14) The Director shall retain all records pertaining to discrimination complaints on file for three years.

b. Formal complaint to the CG District Civil Rights Officer. Written, formal complaints received by the district will be processed in this manner:

(1) When the complaint matters were not informally resolved by the FC or higher elected Auxiliary officer, or the CGAUX/CRC, the complaint may be made to the District Civil Rights Officer. All such complaints must be in writing and must be signed by the complainant or the complainant's representative. The complaint must be filed no later than 60 calendar days after the alleged discrimination act, or after a failure to reach an informal resolution. In the event a complaint is made in other than written form, the person receiving the complaint must instruct the complainant to reduce the complaint to writing and submit the document to the appropriate CG District Civil Rights Officer.

(2) The complaint should contain: complainant's name, address, and telephone number; the date when the alleged act of discrimination occurred, or when the complainant had knowledge of the alleged act; and a description of the alleged act of discrimination, or what actually happened that initiated the complaint filing. If an informal resolution had been attempted, such process must also be described.

(3) The receipt of every complaint shall be acknowledged in writing within ten (10) working days. At the same time, the

party charged (if any) shall be notified a complaint has been filed.

- (4) Based on the written complaint information and any other information provided or requested, a determination will be made as to whether the CG will accept the matter, and whether the complaint has merit to warrant an investigation. The determination shall be made within twenty (20) working days after complaint receipt. An Auxiliary complaint shall be regarded as meriting investigation unless:
  - (a) It clearly appears to be frivolous or trivial.
  - (b) The party, against whom the complaint was made, voluntarily concedes discrimination and agrees to take appropriate remedial action prior to a determination of acceptance and investigative merit;
  - (c) Complaint is withdrawn prior to a determination, or
  - (d) Some other good cause for not investigating the complaint exists (e.g. party charged is presently under investigation by another federal agency).
- (5) If the complaint is not resolved by a settlement agreement, and a determination of acceptance and investigative merits not made, the complainant shall be requested by the CG to provide specific additional information. This request shall be made within thirty (30) calendar days of complaint receipt by the CG. The information requested must be furnished by the complainant to the Assistant Commandant for Civil Rights, CGHQ (G-H) within thirty (30) working days from the date of receiving this request. Failure on the complainant's part to provide requested additional information may be considered good cause for a determination of non-acceptance and no investigative merit.
- (6) A decision disposition notification will be sent from the District Civil Rights Officer within five (5) days. The notification will be sent by registered mail to the complainant and the party charged. The notification will either state the reason for a decision not to investigate, or shall inform the parties an investigation will take place. The notification will also request any additional information needed to assist the investigator in preparing for the investigation.

- c. Formal appeal to the Auxiliary National Commodore (NACO). At a member's request, the District Civil Rights Officer's decision may be forwarded for review by NACO. The NACO, with the advice of the Chief Director (G-OCX) and the Assistant Commandant for Civil Rights (G-H), will conduct a technical review of the decision to ensure all allegations of discrimination have been appropriately addressed. After final decision, the formal complaint file will be retained for five years by the Office of Civil Rights (G-H).

5. Investigation of Complaints.

- a. The Assistant Commandant for Civil Rights will coordinate investigations on complaints concerning Auxiliary with appropriate district offices. Investigators assigned to Auxiliary cases should be CG officers (O-3 or above).
- b. The District Civil Rights Officer will send a letter to the party charged outlining the investigative process, and naming the investigator assigned to the complaint.
- c. Prior to initiating an investigation, the investigator will attempt to resolve the complaint through a negotiated settlement. The investigator will write a memorandum to the investigative file articulating the results of the informal resolution effort. If the settlement efforts are unsuccessful, the investigator will proceed with the investigation. Informal resolution may be initiated again, at any point during the investigation. The investigation, however, will be completed in a timely manner in accordance with established time frames.
- d. A written report will be prepared at the conclusion of the investigation. This report will include the following:
  - (1) Summary of the complaint, including the statement of issues raised by the complainant and the charged party's reply to each of the allegations;
  - (2) Citations of relevant federal, state, and local laws, regulations, rules and guidelines, etc.;
  - (3) Details of the investigation, including a list of the persons contacted and a summary of the interviews conducted; and

- (4) A statement of the investigator's findings and recommendations to resolve/dispose of the complaint.
    - e. The party charged is, under most ordinary circumstances, entitled to have access to the investigative file. To assure the conduct of an independent investigation, however, and to avoid possible allegations of interference and improper influence, the investigator shall not disclose the contents of the investigative file during the investigation. Pertinent evidence, however, may be made available to the party charged if the investigator determines that there is no other method to develop essential information. This process also is allowed, if deemed necessary by the District Civil Rights Officer, to afford the party charged a fair opportunity to respond to the allegations of discrimination.
    - f. The disposition of the complaint will be communicated, by letter, to the complainant and the party charged (if any), and the approval or disapproval of the investigative report after a review by the CG Chief Counsel (G-L) and Chief, Office of Civil Rights (G-H).
  - 6. Appeals. The NACO decision on Auxiliary complaints is considered final.
  - 7. Sanctions. Auxiliarists who have been found to have violated the Commandant's civil rights policy, may be administratively disenrolled from the Auxiliary, or receive an oral or written reprimand, depending on the magnitude of the violation. See Chapter 3 for discussion.
  - 8. State/Local Civil Rights Procedures. Nothing in this section precludes an Auxiliarist from filing a complaint of discrimination through appropriate state or local agencies.
- B. Sexual Harassment.
- 1. Definition.
    - a. Sexual harassment is a form of sex discrimination involving unwelcomed sexual advances as well as requests for sexual favors, and other verbal or physical conduct of a sexual nature. Sexual harassment is anything which results in one of the following conditions:
      - (1) Submission to, or rejection of, such conduct is made either explicitly or implicitly either terms or conditions of a person's position, advancement, selection, recognition, or participation in the Auxiliary.



- (2) Submission to or rejection of such conduct by a person is used as a basis for election, selection, appointment, or advancement decisions affecting said person.
- (3) Conduct, which interferes with an individual's performance or creates an intimidating, hostile, or offensive environment.

2. Responsibilities.

- a. The Coast Guard family must have people who work together effectively to accomplish missions. All persons are entitled to be treated fairly, with dignity and respect. All must be allowed to work and to enjoy an environment free of unlawful discrimination.
- b. The economic costs of sexual harassment are significant. Even more harmful, however, are the negative effects of sexual harassment on productivity and readiness. These areas include increased absenteeism, greater personnel turnover, lower morale, and decreased effectiveness. Adverse actions also result in a loss of personal, organizational, and public trust. While not easy to quantify, these costs are real and seriously affect the CG and Auxiliary's ability to accomplish missions.
- c. The key to preventing sexual harassment is personal leadership and commitment. Those who serve in Auxiliary leadership and staff positions must commit themselves to promoting equal treatment. Auxiliary officers must convey this commitment clearly and unequivocally to all members by holding themselves and their members accountable. This chapter provides tools for preventing sexual harassment and for dealing with sexual harassment incidents, should such actions occur. With the absence of the will to use these tools, however, the Commandant's goals, stated in this chapter, cannot be attained.
- d. Sexual harassment is a form of prohibited discrimination based upon sex. Discrimination against people based upon their gender is also a significant problem. Gender or sexual discrimination exists when a person is treated differently because of gender. Prevention of gender discrimination must be pursued with the same vigor as that for preventing sexual harassment.

3. Policy. The CG is committed to maintaining a work environment free from unlawful discriminatory practices and inappropriate behavior. In support of this commitment, the CG's policy is:

- a. **All Auxiliary personnel will receive training in the areas of identification, prevention, resolution, and elimination of sexual harassment.** This training will be given upon joining as an integral element of the initial orientation and be available annually thereafter. The Office of Civil Rights has implemented a training program, which includes communications and marketing features, and familiarization handouts for use by each training program participant, as well as a guide to resolving harassment actions and a new interactive videotape.
- b. Individuals who believe they have been sexually harassed will be afforded multiple avenues to seek resolutions and redress. Leaders and those in supervisory positions will insure members can make reports of allegations of sexual harassment. There must be a climate which does not tolerate acts of reprisal, intimidation, or further acts of harassment. All members must be aware of the avenues of resolution and redress available.
- c. All reported incidents of sexual harassment will be investigated and resolved at the lowest appropriate level. The nature of the investigations will depend on the particular facts and circumstances. The investigation may consist of an informal inquiry where that action is enough to resolve factual issues. All incidents will be resolved promptly and with sensitivity. Confidentiality will be maintained to the greatest extent possible.
- d. Counseling support or referral services will be made available for all persons involved in incidents of sexual harassment.

4. Procedures.

- a. Those in Auxiliary leadership or supervisory positions shall not condone or ignore sexual harassment of which they have knowledge, or should have reason to have knowledge.
- b. Reprisal action shall not be taken against any person, who in good faith, raises an allegation of, or provides information on, any incident of alleged sexual harassment.
- c. Proper action to resolve an incident of sexual harassment will depend on the circumstances surrounding that incident. Members who believe they have been sexually harassed are encouraged to address their concerns or objections about the incident directly with the person demonstrating the harassing behavior. If this method

fails to bring satisfactory results, the member should file a complaint using the procedures for a civil rights complaint listed in paragraph 7.A. above.

- d. When the investigation provides validation, members found to have engaged in sexual harassment may be administratively disenrolled from the Auxiliary, or receive an oral or written reprimand, depending on the magnitude of the violation.

5. Training.

- a. All members, when joining the Auxiliary, will receive training in the prevention of sexual harassment.
- b. Each flotilla is required to conduct the CG's sexual harassment prevention training annually. This training consists of a CG supplied videotape and script for conducting a facilitated discussion.
- c. Auxiliary national and district elected officers, and appropriate attending district staff officers will receive **annually** and necessary required instruction on the Commandant's sexual harassment prevention policy at an annual national conference.

6. Assistance. Assistance on the subject of sexual harassment prevention is available through the CGAUX/CRC, the active duty civil rights counselors and the district EEO counselors.

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THE COMMANDANT OF THE UNITED STATES COAST GUARD  
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# SEXUAL HARASSMENT POLICY STATEMENT

All Coast Guard personnel and those engaged in official business with the Coast Guard have the right to an environment free of discrimination and harassment. Sexual harassment is a form of gender discrimination that involves unwelcome sexual advances, solicitation of sexual favors, or other sexually oriented verbal or physical conduct. Such behavior creates an intimidating, hostile, and offensive work place environment.

Sexual harassment is unacceptable conduct. A supervisor who uses or condones sexual behavior to control, influence, or affect the career, pay, or job of a subordinate engages in sexual harassment. Similarly, any military member or civilian employee who makes deliberate or repeated unwelcome verbal comments, gestures, or physical contact which is characteristically of a sexual nature engages in sexual harassment.

Sexual harassment has a devastating impact on our work force. It diminishes one's self-esteem and inhibits the performance of employees. Its disruptive effect on individuals and its negative impact on morale, discipline, and productivity in the work place significantly reduce the Coast Guard's ability to perform its missions. I will not tolerate sexual harassment in any of its forms.

Commanding officers, officers in charge, and supervisors must neither practice nor condone any form of sexual harassment. They must serve as examples of the highest personal standards and be constantly aware of work conditions and interpersonal actions around them. There can be no ambiguity about the prohibition in the Coast Guard of any form of sexual harassment, the positive steps that are to be taken to prevent it, and the level of commitment to the swift and decisive enforcement of policies. Personnel must feel free to promptly report incidents of sexual harassment.

I ask all Coast Guard personnel to help me eliminate sexual harassment from our Service. Evaluate your own conduct and that of those you supervise. Observe and institute changes as necessary. The fair and equal treatment of all Coast Guard men and women must not emanate solely from regulations, policies or external pressures, but from your conviction that it is the right thing to do.

The increasing diversity of our military and civilian work force mandates dynamic responses if we are to meet the challenges our third century of service to this Nation will present. A Coast Guard free of sexual harassment is today's goal and must be tomorrow's reality.



THE COMMANDANT OF THE UNITED STATES COAST GUARD  
WASHINGTON, D.C. 20593-0001

## HUMAN RELATIONS POLICY STATEMENT

The Coast Guard, along with the rest of the Nation, faces many new challenges as we continue to provide leadership in an environment where technology, ideology and the demographic composition of society are changing at an unprecedented rate.

Our greatest resources for meeting the challenges of change are the men and women who respond daily, unselfishly in their operational and support roles, to carry out our various missions. I am committed to seeing that all Coast Guard personnel—active duty military, civilians, Reservists and Auxiliarists—are provided the opportunity to work and develop so as to achieve their full potential. The Coast Guard, with its limited resources and multiple missions, must fully utilize all of its human resources.

Therefore, we must take positive steps to avoid any vestige of discrimination based on race, color, religion, gender, age, national origin, or mental or physical handicap in any thoughts or actions affecting our personnel, those seeking employment with us, or those entitled to benefits under any Coast Guard sponsored programs. In addition, we must become pro-active in working with communities around the country, to ensure the smooth assimilation of all Coast Guard personnel. To do less would weaken our Service and our ability to respond to the needs of our country.

This policy is important to maintain a Coast Guard where each of us is morally committed to ensuring equality of opportunity for every individual, and where we all assume a personal responsibility for assuring that this concept works throughout the Service. This means that each of us must not only practice nondiscriminatory behavior, but we must also educate others regarding the benefits of a nondiscriminatory environment on the Coast Guard's ability to function.

Let us lead by example in ensuring equal opportunity and fair treatment for all, as we continue our service to the citizens of this Nation.

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